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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,975	03/22/2007	Tatsuya Tsurukawa	2565-0298PUS1	8392

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EXAMINER	
AGWUMEZIE, CHARLES C	
ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
08/14/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/583,975	TSURUKAWA, TATSUYA	
	Examiner	Art Unit	
	CHARLES C. AGWUMEZIE	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/14/06; 8/25/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically it would be unclear to one of ordinary skill in the art to understand what the Applicant meant by "a piece of equipment in need of a maintenance work by a maintainer, the piece of equipment storing an ID value to uniquely identify the piece of equipment, and having a broadcasting means to broadcast the ID value to a periphery of the piece of equipment."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claim 1**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed et al (hereinafter "Mohammed") U.S. Patent Application No. 2003/0028488 A1 in view of Bean U.S. Patent No. 6,460,023 B1.

5. As per **claim 1**, Mohammed discloses a digital content management system comprising:

a digital content server device to store a digital content encrypted (see fig. 1, which discloses content server 22);

a license server device to generate and transmit license data containing a use condition of the digital content and a decryption key to decrypt the digital content (see fig. 1, which discloses license server 24); and

a client device that is connected to the digital content server device and

the license server device via a network, to receive the digital content from the digital content server device, to receive the license data from the license server device, and based on a condition for use defined by the use condition in the license data, to decide whether or not to decrypt the digital content with the decryption key contained in the license data (see fig. 1, which discloses user computing device 14),

wherein the license server device generates the license data containing an available location of the digital content as the use condition (0156, which discloses that the record may contain a pointer, link or reference to the location having such information), and

the client device includes a current location identifying means to obtain a current location (0156), and

a license data processing means to compare the current location obtained by the current location identifying means with the available location contained in

the use condition in the license data, and to decide whether or not to perform a decryption of the digital content.

6. What Mohammed does not explicitly teach is:

a license data processing means to compare the current location obtained by the current location identifying means with the available location contained in the use condition in the license data, and to decide whether or not to perform a decryption of the digital content.

7. Bean discloses

a license data processing means to compare the current location obtained by the current location identifying means with the available location contained in the use condition in the license data, and to decide whether or not to perform a decryption of the digital content (col. 3, lines 10-15, which discloses the means for comparing the locations contained in the master key to the locations of the piece of software to determine if the piece of software is accessible by the user computer; see claim 1)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Mohammed and incorporate a license data processing means to compare the current location obtained by the current location identifying means with the available location contained in the use condition in the license data, and to decide whether or not to perform a decryption of the digital content in view of the teachings of Bean in order to ensure security.

8. **Claims 2-4**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed et al (hereinafter "Mohammed") U.S. Patent Application No. 2003/0028488 A1 in view of Bean U.S. Patent No. 6,460,023 B1.

9. As per **claim 2**, Mohammed further discloses the digital content management system further comprising

a piece of equipment in need of a maintenance work by a maintainer, the piece of equipment storing an ID value to uniquely identify the piece of equipment, and having a broadcasting means to broadcast the ID value to a periphery of the piece of equipment,

wherein the digital content server device stores a maintenance manual of the piece of equipment in an encrypted state as the digital content,

the license server device generates the license data containing the ID value of the piece of equipment as the use condition (0164, which discloses that a license 16 is generated by the license server 24),

the location identifying means obtains the ID value broadcasted by the broadcasting means of the piece of equipment, and

the license data processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data, and by comparing the ID value broadcasted by the broadcasting means with the ID value in the license data but failed to explicitly disclose:

a piece of equipment in need of a maintenance work by a maintainer, the piece of equipment storing an ID value to uniquely identify the piece of equipment, and having a broadcasting means to broadcast the ID value to a periphery of the piece of equipment,

wherein the digital content server device stores a maintenance manual of the piece of equipment in an encrypted state as the digital content,

the location identifying means obtains the ID value broadcasted by the broadcasting means of the piece of equipment, and

the license data processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data, and by comparing the ID value broadcasted by the broadcasting means with the ID value in the license data

10. Kyotoku discloses the digital content management system further comprising

a piece of equipment in need of a maintenance work by a maintainer, the piece of equipment storing an ID value to uniquely identify the piece of equipment, and having a broadcasting means to broadcast the ID value to a periphery of the piece of equipment (0015, which discloses that a 24 maintenance operation can be provided for the timely evaluation of equipment failures or the correction of operating malfunctions or the adjustment of apparatus parameters…)

wherein the digital content server device stores a maintenance manual of the piece of equipment in an encrypted state as the digital content (0101),

the location identifying means obtains the ID value broadcasted by the broadcasting means of the piece of equipment (0093), and

the license data processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data, and by comparing the ID value broadcasted by the broadcasting means with the ID value in the license data (0093; 0129; 0132).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Mohammed and incorporate the features as shown above in view of the teachings of Kyotoku in order to ensure security.

11. As per **claim 3**, Mohammed further failed to explicitly disclose the digital content management system,

wherein the license server device generates the license data additionally containing an available time of the digital content as the use condition, and

the license processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data, and

by comparing a current time with the available time in the license data.

Kyotoku discloses the digital content management system,

wherein the license server device generates the license data additionally containing an available time of the digital content as the use condition (0068-0069), and

the license processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data (0093), and

by comparing a current time with the available time in the license data (0068-0069).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Mohammed and incorporate wherein the license server device generates the license data additionally containing an available time of the digital content as the use condition (0068-0069), and the license processing means decides whether or not to perform the decryption of the digital content, by comparing the current location obtained by the location identifying means with the available location in the license data, and by comparing a current time with the available time in the license data in view of the teachings of Kyotoku in order to ensure security.

12. As per **claim 4**, Mohammed further discloses the digital content management system, wherein the license server device transmits the license data only for a prescribed number of times or less (0005; 0172).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
August 10, 2009